

REMARKS

In the outstanding Official Action, claim 1 was rejected under 35 U.S.C. §102(b) over HAUSER et al. (U.S. Patent No. 5,980,053). Claims 1-3, 5 and 6 were rejected under 35 U.S.C. §103(a) over NOGUCHI (U.S. Patent No. 4,924,856) in view of HAUSER. Claim 4 was objected-to as being dependent upon a rejected based claim, but was otherwise indicated to be allowable if rewritten into independent form to include all of the limitations of the base claim and any intervening claims.

Applicant would like to thank the Examiner for indicating the allowability of the subject matter recited in claim 4, if rewritten into independent form to include all of the limitations of the base claim and any intervening claims. Applicant would also like to thank the Examiner for acknowledging receipt of Applicant's claim for foreign priority under 35 U.S.C. §119, as well as certified copies of all of the priority documents upon which Applicant's claim for foreign priority is based. Applicant would further like to thank the Examiner for acknowledging consideration of each of the documents cited on the PTO-1449 form which was submitted with the Information Disclosure Statement filed on June 10, 2004.

Upon entry of the present amendment, claim 4 will have been cancelled without prejudice to or disclaimer of the subject matter recited therein. Claim 1 will have been amended to include substantially all of the features previous recited in claim 4. At least in view of the previous indication of the allowability of the subject matter recited in claim 4, Applicant respectfully submits that independent claim 1 is now in condition for allowance. Applicant further submits that claims 2-3 and 5-6 are allowable at least for

depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

The amendment to claim 1 and cancellation of claim 4 should not be considered an indication of Applicant's acquiescence as to the propriety of the outstanding rejections and objection. Rather, Applicant has amended claim 1 and cancelled claim 4 merely in order to expedite prosecution of the present application and obtain early allowance of claims.

Applicant will also have added claims 7-11 for consideration by the Examiner. In this regard, independent claim 7 recites a combination of features similar to the combination recited in amended claim 1. Applicant submits that independent claim 7 is allowable at least for reasons similar to the reasons for the allowability of amended independent claim 1. Applicant further submits that claims 8-11 are allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended the independent claim to recite a combination indicated as allowable in the outstanding Official Action. Accordingly, Applicant respectfully submits that a clear basis for the patentability of claims 1-3 and 5-6 has been established, and an indication to that effect is respectfully requested.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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